

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ERIC R. BENDER

PLAINTIFF

v.

CIVIL ACTION NO.: 2:25-cv-18-KS-MTP

CONTRA COSTA CRIMINAL DISTRICT ATTY., *et al.*

DEFENDANTS

ORDER

This cause comes before the Court on the Report and Recommendation (“R&R”) issued *sua sponte* by U.S. Magistrate Judge Michael T. Parker on April 4, 2025, which addresses Plaintiff’s claims against California defendants, Contra Costa Criminal District Attorney and Richmond Police Department. *See* Doc. No. [12]. In the R&R, Judge Parker recommends that the Court dismiss this matter without prejudice due to Plaintiff’s failure to provide sufficient facts or evidence supporting this Court’s jurisdiction over these out-of-state defendants. By law, the R&R provides an opportunity for any party to file written objections to the recommendation. *See id.* at p. 6. Plaintiff filed his “objections” on April 10, 2025. *See* Doc. No. [13].

In its February 14, 2025 Order [3] and its March 21, 2025 Order to Show Cause [7], this Court has explained the need for personal jurisdiction in Mississippi over defendants who reside in California, as well as the need for a basis for venue in the Southern District of Mississippi when, again, the defendants reside in California and the events giving rise to the action took place in California. In response to these Orders, Plaintiff filed an Amended Complaint on March 27, 2025 [8]. In that amended pleading as a basis for jurisdiction, Plaintiff states only that the “system is unfair in that Division[.] I will be treated fairly in the Southern Division on this case.”

As explained in the R&R, Plaintiff failed to satisfy the Court with facts that this Court has personal jurisdiction over the defendants or that this Court is the proper venue for the action. After

setting forth the applicable law and explaining how the facts do not support jurisdiction or venue, Judge Parker recommended dismissal without prejudice. Despite these explanations and findings, Plaintiff filed his objections in which he again fails to address the requirements of the law for jurisdiction and venue. After complaining about the actions of these defendants, Plaintiff states, “[T]he reason I need my case to be reopened in the Southern District is because I am afraid for my life!” [13] at p. 2. While the Court empathizes with Plaintiff’s predicament, the Court cannot create jurisdiction and venue where the facts do not support it under the law, and the Court surely cannot do so because the Plaintiff simply wishes it to be.

Accordingly, having fully reviewed the R&R, as well as the record in this matter, and being duly advised in the premises, the Court finds that the Report and Recommendation is an accurate statement of the facts and a correct analysis of the law in all respects and should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation dated April 4, 2025 be, and the same hereby is, adopted as the finding of this Court, and Plaintiff’s Amended Complaint is hereby dismissed without prejudice.

SO ORDERED AND ADJUDGED this 11th day of April, 2025.

/s/ Keith Starrett
KEITH STARRETT
SENIOR UNITED STATES DISTRICT JUDGE